

Sec. 1703-7. Downtown Districts



1703-7.1. Purposes

The general purposes of the downtown development district regulations are to:

- A.** Provide a balance of uses and amenities fostering a vital economic and cultural center of the city and enhance its aesthetic qualities.
- B.** Encourage quality and variety in building and landscape design as well as compatibility in use and form.
- C.** Protect and enhance historic, cultural and architectural resources.
- D.** Create and enhance pedestrian-oriented streets to preserve retail vitality and improve the quality of life for downtown workers, visitors, and residents.

1703-7.2. Purpose of Subdistricts

A. DD-A Downtown Core

Subdistrict A, Downtown Core is intended to encourage, support and enhance the downtown area as a high-density, mixed-use urban center of regional importance and a center for business, communications, office, government, retail and entertainment. Subdistrict A allows a mix of large-scale offices, convention facilities, commercial, high-rise residential, public, recreation and entertainment uses.

B. DD-B Downtown Residential

Subdistrict B, Downtown Residential is intended to create, maintain and enhance areas for residential developments that will complement and support the downtown core. Residential developments may be either as a sole use or as a mixed use and achieved through the adaptive reuse of historic structures or new construction. Subdistrict B also permits loft residences and offices.

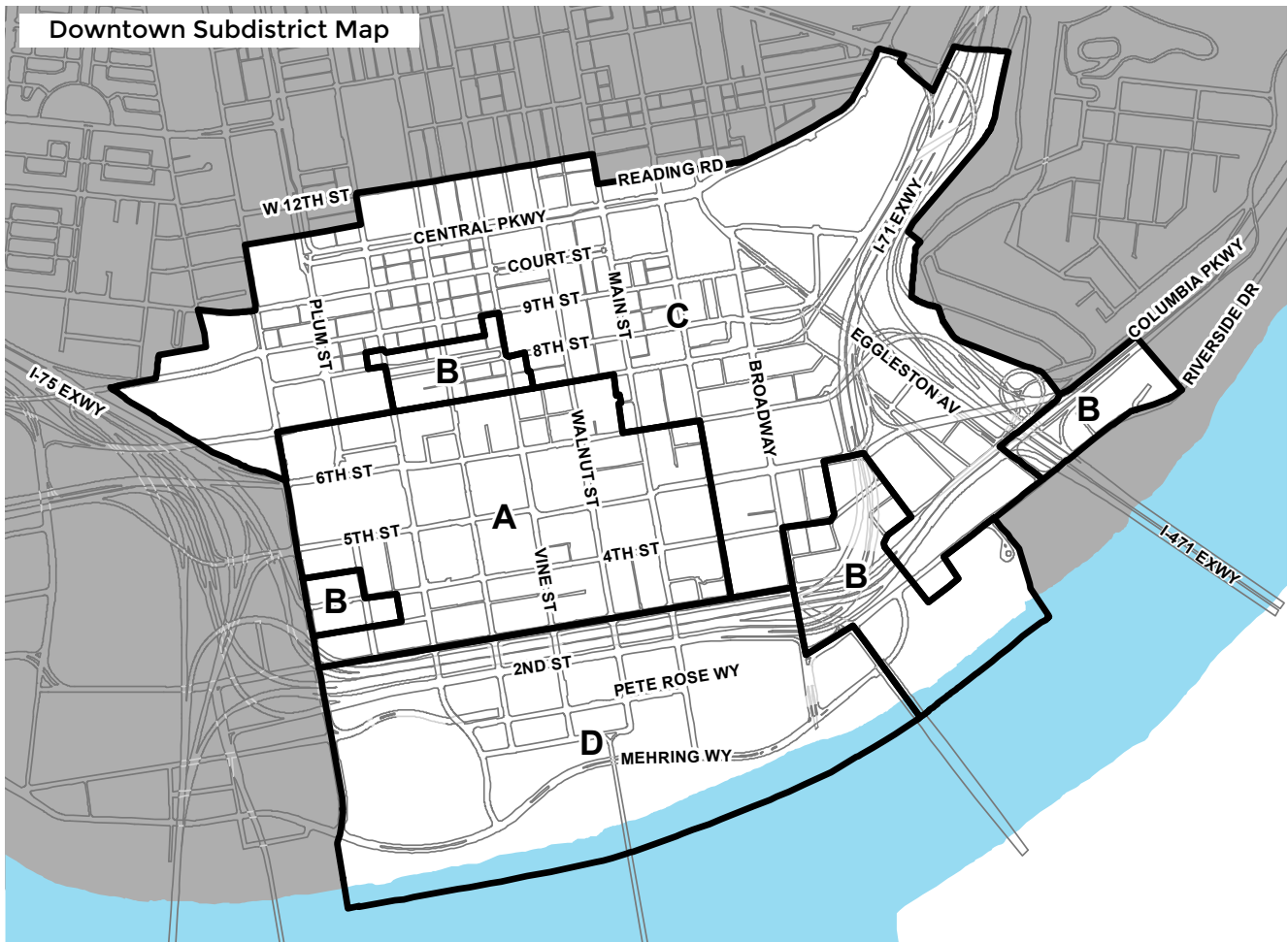
C. DD-C Downtown Support

Subdistrict C, Downtown Support, is intended to maintain and enhance the Downtown Development District by providing sites for offices, residential, commercial and public and semi-public uses essential for the livelihood of businesses and neighborhoods located in Cincinnati and residents living in the downtown area. Subdistrict C permits a mix of professional and governmental offices, residential, commercial, public, semi-public and limited industrial uses.

D. DD-D Riverfront

Subdistrict D, Riverfront, is intended to enhance the downtown area by providing sites for commercial recreation, hotel, retail and office space and housing in an urban neighborhood along the Riverfront.

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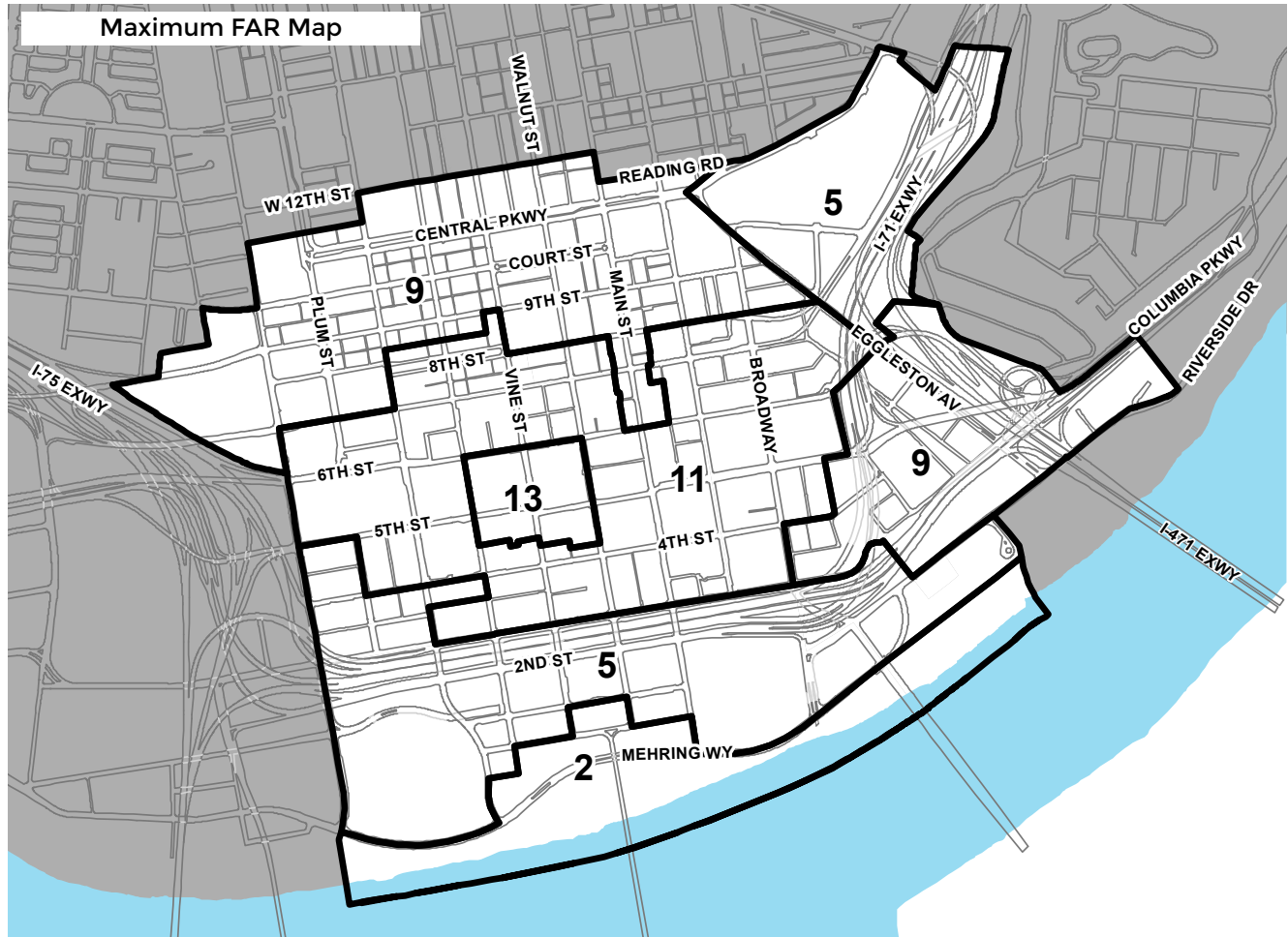
1703-7.3. Development Regulations

The table below summarizes the development regulations for the DD Downtown Development Districts, including lot area, FAR, height, setback and building coverage.

Regulations	DD-A	DD-B	DD-C	DD-D	Additional Regulations
Building Scale-Intensity of Use					
Floor Area Ratio (FAR)	See Floor Area Ratio (FAR) Map				Sec. 1703-7.4
Required Residential Uses	No	Yes	No	Yes	Sec. 1703-7.5
Building Form and Location					
Maximum Building Height	See Height Map				Sec. 1703-7.6
Minimum Facade Height	40'	40'	40'	40'	Sec. 1703-7.7
Minimum Yard	See Overlay Map				Sec. 1703-7.7
Pedestrian Orientation					
Commercial Continuity	See Commercial Continuity Map				Sec. 1703-7.8
Ground Floor Transparency	60%	60%	60%	60%	Sec. 1703-7.10
Vehicle Accommodation - Parking and Loading					
Required Parking	See Parking Map				Sec. 1703-7.11
Location of Parking	Yes	Yes	Yes	Yes	Sec. 1703-7.12
Lot and Structure Design	Yes	Yes	Yes	Yes	Sec. 1703-7.15
Loading	Yes	Yes	Yes	Yes	Sec. 1703-7.18
Other Standards					
Allowed Permitted uses					Sec. 1703-9
Landscaping and buffering					Sec. 1711-2
Nonconformities					Sec. 1752-7
Parking					Sec. 1711-1
Outdoor storage and display					Sec. 1711-5
Rules of measurement					Sec. 1703-10
Signs					Sec. 1711-3
Site lighting					Sec. 1711-4
Use standards					Sec. 1703-9

1703-7.4. Floor Area Ratio (FAR)

Floor Area Ratio (FAR) in all DD Subdistricts varies according to the map below. A building may not exceed the FAR for its location as shown on the map below.



For purposes of this section, building gross floor area is the sum of the individual gross floor area of every story of the building provided:

- A. Any underground story is disregarded. A story is deemed underground if its floor level is more than 3 feet 6 inches below the average street grade at the exterior walls of the building. For the Banks, the grade is street grade.
- B. If the first story (other than an underground story) of a building is more than 25 feet in height, its individual gross floor area is added to the base building gross floor area as many times as its average height is divisible by 25 feet, rounded to the next highest whole number. For example, if the average height of a first story is 36 feet, the individual gross floor area of the first story is added twice in the calculation of the building gross floor area.
- C. If an upper story of a building (other than a story exclusively devoted to heating, ventilating, air conditioning, elevators or other building service equipment) is more than 15 feet in height, its individual gross floor area is added to the building gross floor area as many times as its average height is divisible by 15 feet, rounded to the next highest whole number.

1703-7.5. Required Residential Uses

- A. In DD-B, every new building, other than parking garages subject to design review pursuant to Sec. 1703-7.16 or hotels, must have at least 50% of its building gross floor area devoted to residential dwellings.
- B. In DD-D, every new building must have at least 25% of its building gross floor area devoted to residential dwellings. Provided, however, a building that has at least 75% of its building gross floor area devoted to parking, museums or sports facilities and is subject to design review and approval by the City Manager pursuant to an agreement between the city and the property owner or is being built in accordance with a site master plan approved pursuant to Sec. 1703-7.22 is exempt from this requirement. Further, the Zoning Hearing Examiner may, following the procedures specified for the granting of variances, grant such variances from this provision where the applicant demonstrates by clear and convincing evidence that it is not economically feasible to include residential dwellings within the building, that denial of this variance would deny the owner an economic return on investment for the total project and that the grant would be consistent with standards set forth in Sec. 1751-2.

1703-7.6. Maximum Building Height

Maximum building height in all DD Subdistricts varies according to the Maximum Building Height Map. Projections above the maximum height limit are permitted, as prescribed in Sec. 1703-7.11.8. A building may not exceed the maximum building height for its location as shown on the Maximum Building Height Map.

1703-7.7. Minimum Facade Height

In locations indicated on the Zero Setback Map every building must be built with a facade at least 40 feet in height and abut the public right-of-way along the indicated locations. Provided, however:

A. Rowhouses Attached Dwellings

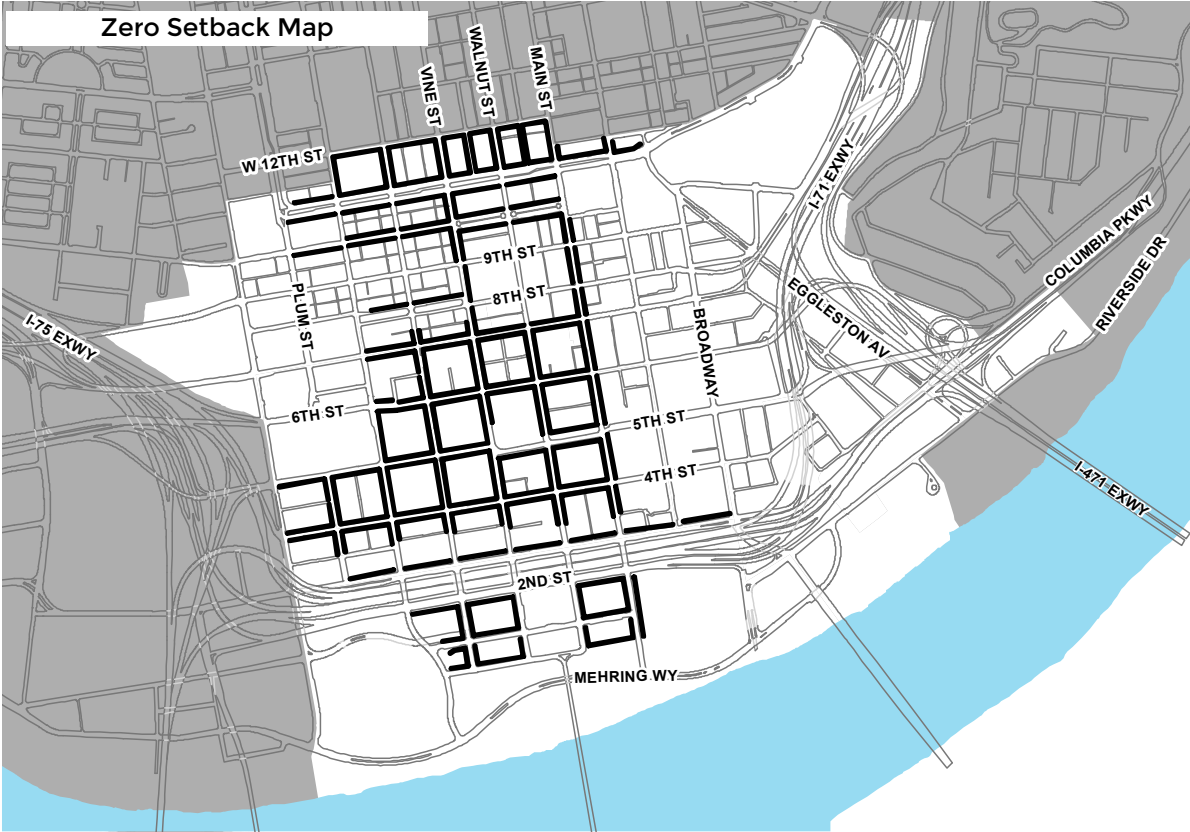
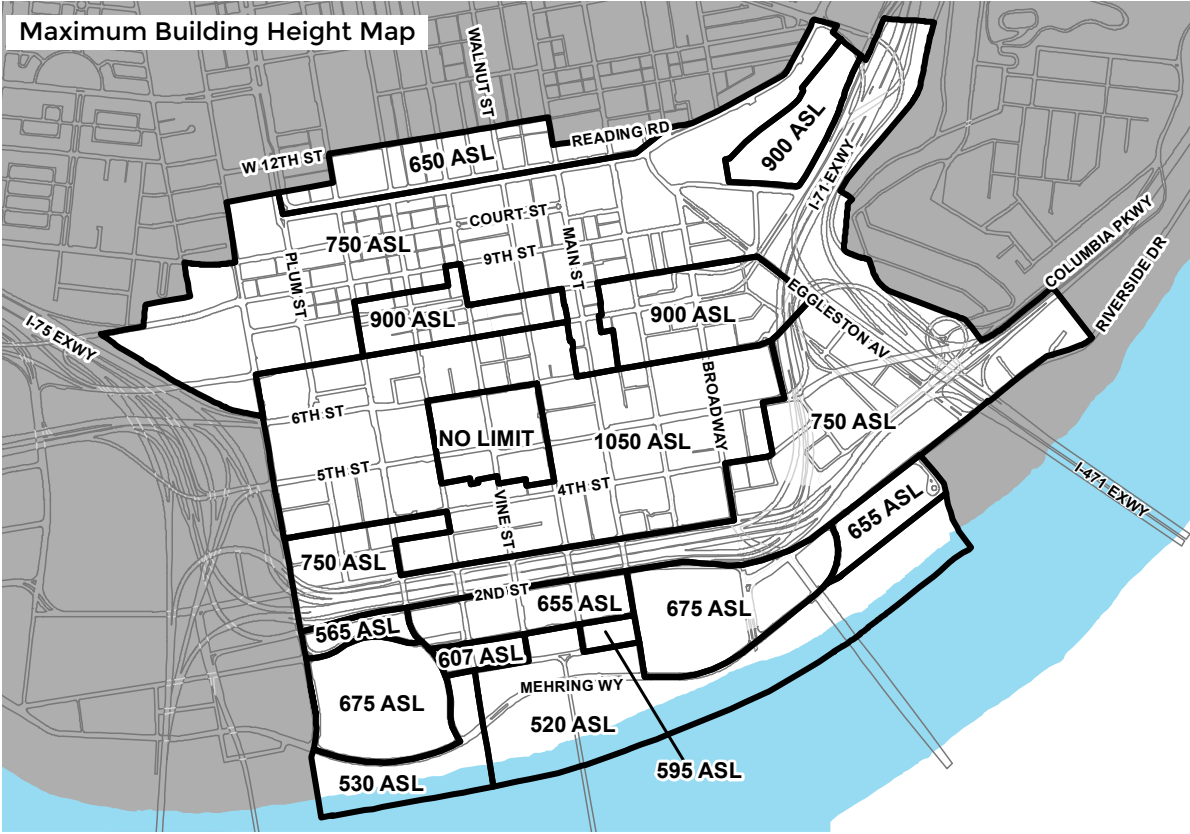
Rowhouses Attached Dwellings may have a front yard up to 10 feet deep.

B. Recessed Entrances

A building may be served by a recessed major entrance provided:

1. The entrance width does not exceed 10% of the building facade length fronting on the right-of-way;
2. The entrance depth does not exceed the entrance width; and
3. The entrance height does not exceed 25 feet.

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1703-7.8. Commercial Continuity

In locations indicated on the Commercial Continuity Map at least 60% of first-floor building frontage be devoted to commercial uses. Further, floor areas closest in elevation to and within 12 feet of adjoining walkway or atrium frontages must be devoted to lobbies.

1703-7.9. Skywalk Overlay

The Skywalk Map shows the existing skywalk system as well as locations for extensions.

1703-7.10. Ground Floor Transparency

- A. In order to enhance the image of activity within the DD District and thereby contribute to pedestrian activity and security, at least 60% of interior facades along the skywalk and exterior facades abutting a sidewalk indicated on the Commercial Continuity Map must be transparent.
- B. For purposes of this section, transparent means open or enclosed by clear and non-reflecting glass or other material between the height of two feet and ten feet above the walkway grade that provides pedestrians on adjacent sidewalks an unobstructed view extending at least 2 feet into the building interior.

1703-7.11. Required Parking Spaces

- A. Parking requirements in all DD Subdistricts varies according to the Parking Map.
- B. Parking is required for the construction of new buildings. Parking is not required for the conversion, renovation or change in use of an existing building, provided any increase in gross floor area may not exceed ~~10~~25%.
- C. Parking is not required for any use within an Urban Parking Overlay District established according to Section ~~1425-031711-1.2.B.2.~~
- D. Parking is not required for up to 20 residential dwelling units per building. Where 4 or more parking spaces are required, any space that requires

the movement of another vehicle to gain access to or from the space is not credited toward the requirement. The table below prescribes the parking requirements for residential and office uses in the Downtown Development District.

Use	Parking Subdistrict			
	W	X	Y	Z
Residential Uses (space/dwelling unit)	First 20 dwelling units: 0 Per dwelling unit above 20: 0.75			
Office Uses (1 space/square feet)	1,200	1,000	750	750

1703-7.12. Location of Parking

The location of parking in all DD Subdistricts varies according to the Parking Map. Parking in each parking subdistrict may also vary by type as prescribed below:

Parking Type	Parking Subdistrict			
	W	X	Y	Z
Accessory Surface Parking	No	Yes	Yes	Yes
Public Surface Parking	No	No	Yes	Yes
Parking Garage	Yes	Yes	Yes	Yes

1703-7.13. Accessory Surface Parking

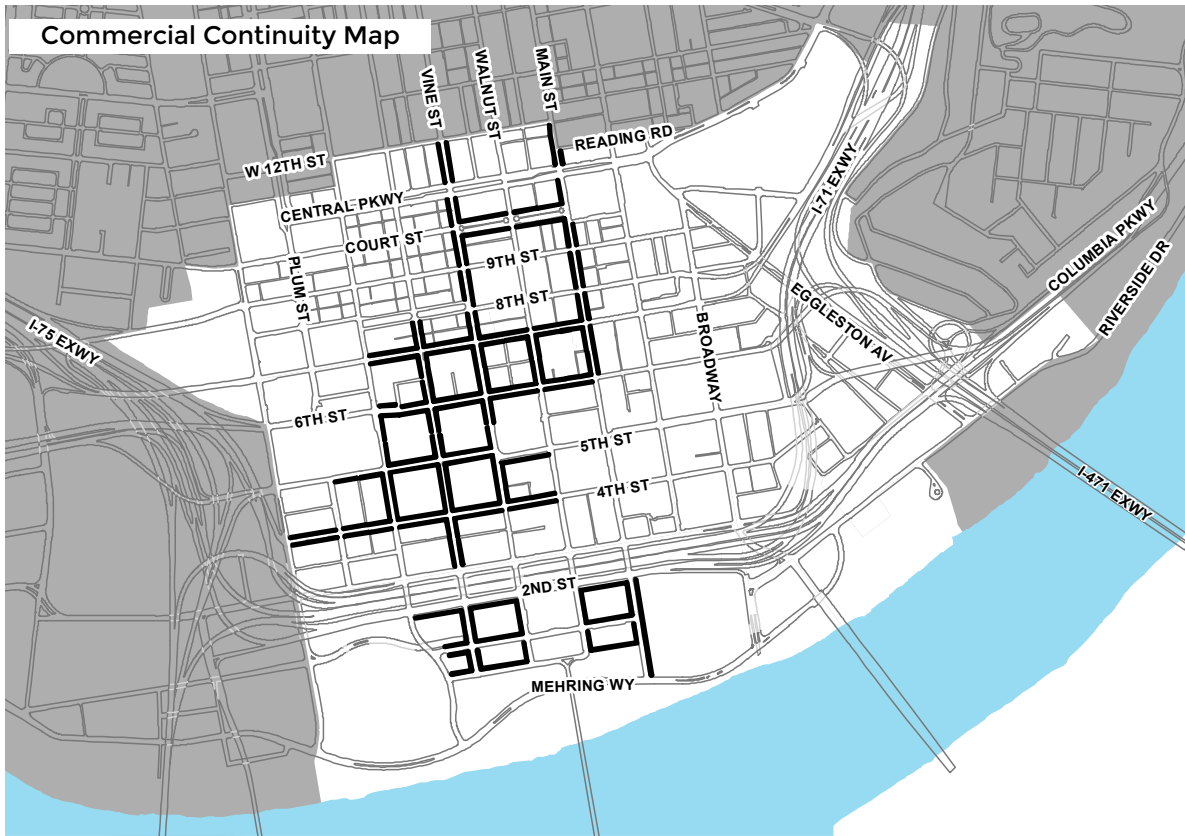
Accessory surface parking must be located within 200 feet of the building that it is intended to serve and must be for the exclusive use of the occupants and visitors of that building.

1703-7.14. Off-Site Parking

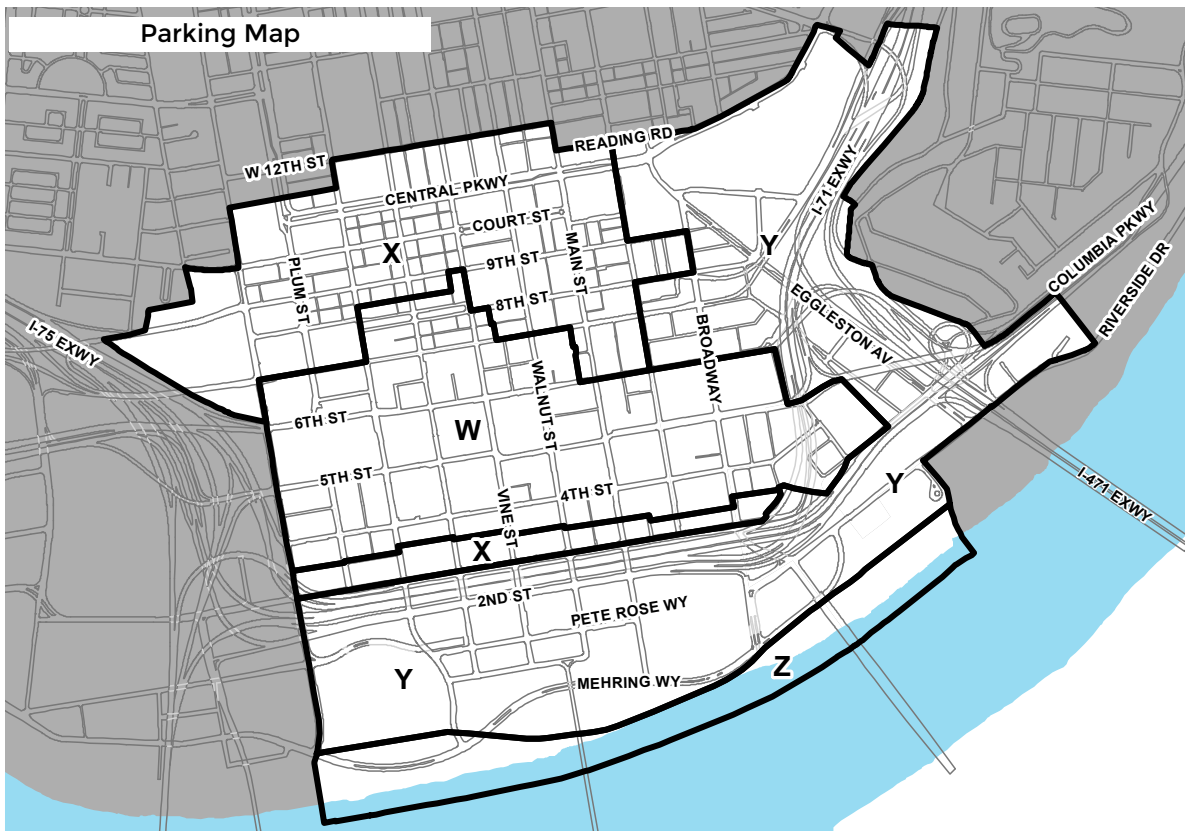
Required parking may be provided on-site or by securing or constructing parking spaces off-site within Parking Subdistricts W, X or Y, provided that no more than 25% of the required spaces are provided off-site. Off-site parking spaces must be for the exclusive use of the occupants and visitors of the development for which they are being provided. The property on which the off-site parking spaces are located may be under different

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Commercial Continuity Map



Parking Map



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ownership, provided the owner covenants to the city that the site parking spaces are for the exclusive use of the occupants and visitors of the development for which they are being provided. This covenant may be released only if all parking spaces released are replaced by other new spaces subject to a like covenant or the development no longer requires the parking spaces.

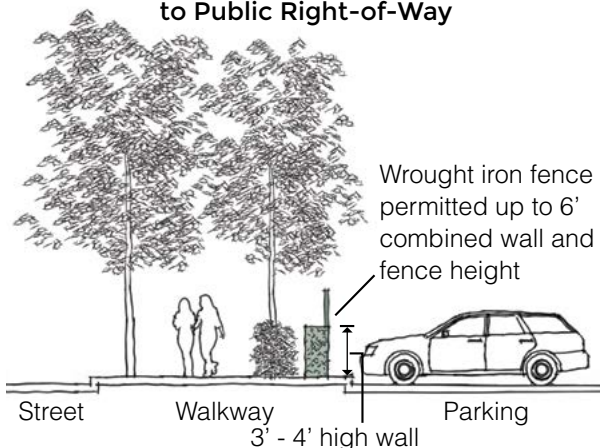
1703-7.15. Lot and Structure Design

All portions of the perimeter of a surface parking lot that abut a public right-of-way, other than approved entrances and exits, must have a solid concrete or masonry wall or wrought iron fence between 3 and 4 feet in height, adjacent to any public right-of-way as illustrated in below A wrought iron fence may be up to 6 feet in height or constructed on top of the wall for a combined wall and fence height of up to 6 feet. Any deviation from the fencing requirements may only be permitted if approved pursuant to Sec. 1751-2.

Example of Screening Surface Parking



Screening Surface Parking Lots Adjacent to Public Right-of-Way

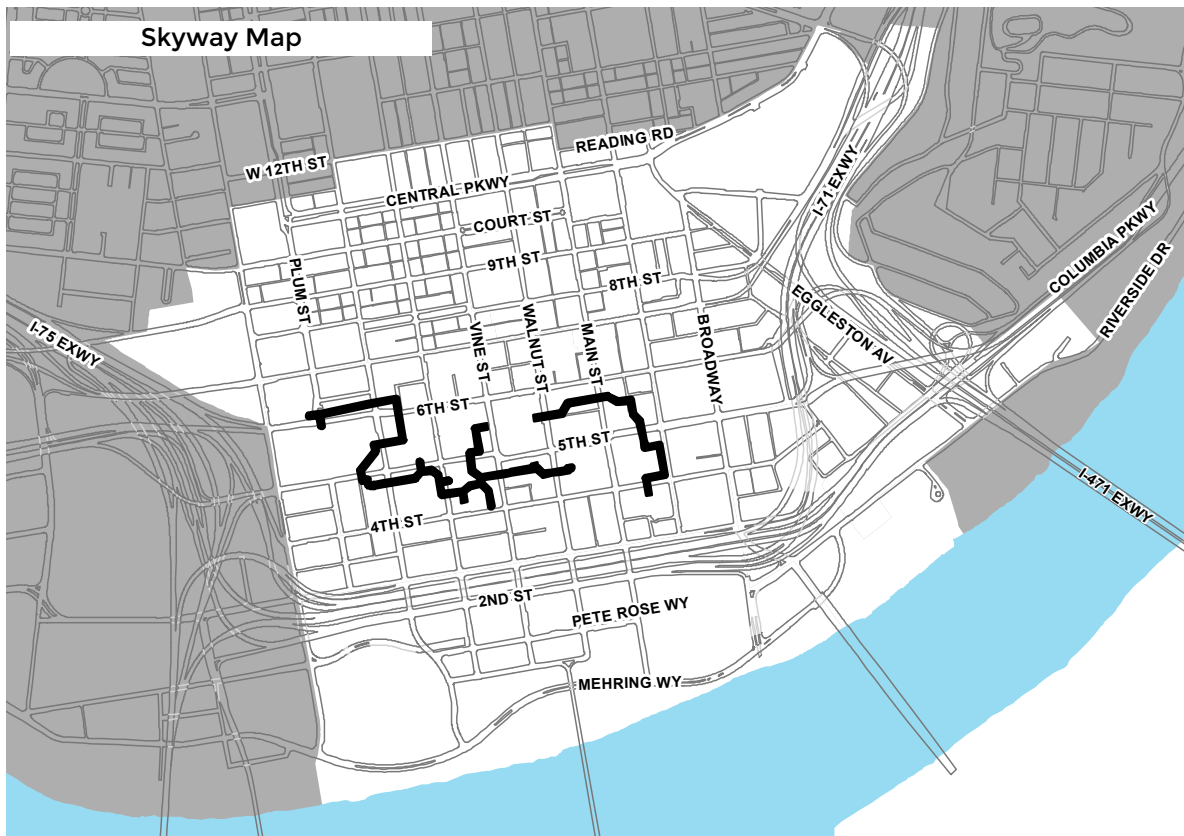


1703-7.16. Design Review of Parking Garages

A building having more than 100 above-street-grade parking spaces and devoting more than one-half its above-street-grade gross floor area to parking may not be constructed in Parking Subdistrict W or X unless the design of the building is reviewed and approved under Sec. 1751-2 or by the Zoning Hearing Examiner. The following guidelines apply to parking garage facades facing any right-of-way greater than 50 feet in width or the skywalk:

- A. Parked cars must be screened from public view from every adjacent public way greater than 50 feet in width.
- B. Garage entrances and exits must be designed and located so as to minimize hazards to pedestrians.
- C. Facades must contain openings that, in their scale, size and placement, are compatible with the same qualities of openings in surrounding buildings.
- D. Facades must contain articulations to achieve a sense of scale, rhythm and texture.
- E. The facade of the ground-level floor must be differentiated from upper floors to establish the appearance of a base to the building. By way of example, this differentiation can be achieved through the use of several of the following techniques:
 - F. A taller ground floor.
 - G. A change in color.
 - H. A change in material
 - I. A change in detailing.
 - J. Banding at the top of the ground floor.
 - K. Other architectural means.
 - L. The design of facades may not reveal or imply sloping floor levels that may be behind the facade.

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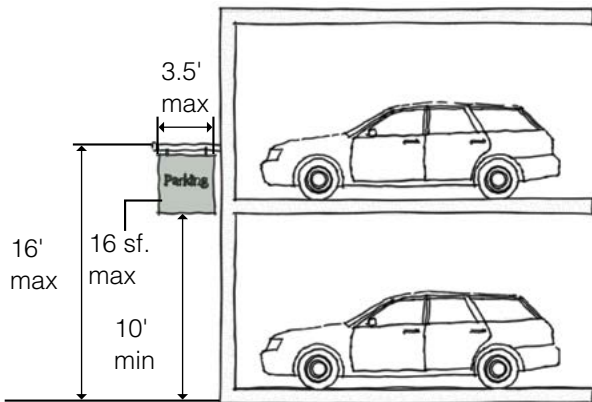


- M. Facades must be compatible with the design, materials and overall character of surrounding buildings with regard to the scale, color and texture of materials, form, massing and design detailing.

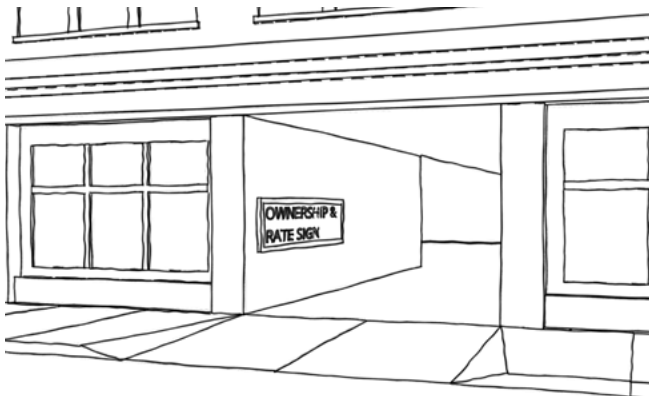
1703-7.17. Parking Signs

Signage in parking lots and garages must comply with the following:

- A. Parking Identification Signs.** Parking identification signs may be erected at every entrance and may be internally illuminated, provided the area of any sign face may not exceed 16 square feet. For parking lots, signs may be erected as a ground or wall sign. For parking garages, signs may be erected as a wall sign or projecting sign. The height of any sign may be no less than ten feet above street grade and may not exceed 16 feet above street grade. The maximum width of a projecting parking identification sign may not exceed 3.5 feet.



- B. Parking Ownership and Rate Sign.** Public ownership and rate signs may be erected as a wall sign or be affixed to the fencing required by Sec. 1703-7.15. The copy must be as required by Chapter 413, Parking Garages and Parking Lots, of the Municipal Code.



- C. Parking Entrance/Exit Signs.** Parking entrance/exit signs may be erected at every entrance or exit. A parking entrance/exit sign may not exceed 8 square feet in face area.

1703-7.18. Loading Requirements

Loading spaces must be provided pursuant to Sec. 1711-1.9. Loading Spaces within Parking Subdistrict W or X must be entirely enclosed.

1703-7.19. Signs

Signs located in any DD subdistrict must comply with the following regulations, [1711-3 Signs](#), and with Chapter 718, Revocable Street Privileges, of the Municipal Code. Every sign erected, constructed, painted or maintained for which a permit is required, must be plainly marked with the name of the person erecting, painting and maintaining such sign, and must have affixed the number corresponding to the permit issued for the sign. The absence of a reference to a permit number is prima facie evidence that the sign or advertising structure is being displayed in violation of this section.

A. Prohibited Signs

The following signs are prohibited in the DD District:

1. Outdoor advertising signs.
2. Flashing signs, unless a marquee sign as provided below.
3. Portable signs.

B. Projecting Signs

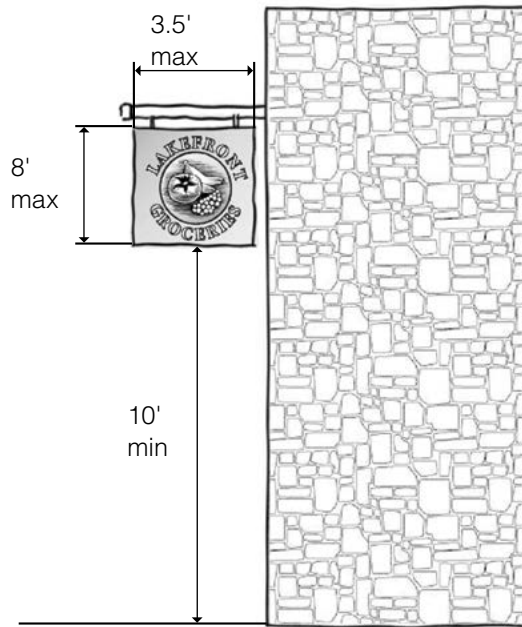
Projecting signs must comply with the following unless located in a Historic District and approved by the Historic Conservation Board:

1. Location: Below the third story of a building and extend from the building facade.
2. Maximum Width: 3.5 feet.
3. Maximum Height: 8 feet.
4. Required Clearance: A ten-foot clearance above the sidewalk must be maintained.

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- Lighting must be integrated with the sign design and must complement the building.
- Signs may not conceal any ornamental architectural elements.
- A revocable street privilege is required for signs projecting into the public right-of-way.

Projecting Signs in DD Subdistricts



C. Street-Level Wall Signs

Street-level wall signs must comply with the following:

- Maximum Width: contained within the horizontal limits of the business premises.
- Maximum Height: 3.5 feet.
- Maximum Display Area: 1-square foot for each one-foot of business frontage on the street to be faced by the sign.
- Awning signs are considered street level wall signs. Awning signs may not exceed 12 square feet of total surface area and letters may not exceed 12 inches in height.
- The sign may not conceal any ornamental architectural elements and may not project above a parapet.
- Signs painted on buildings and structures are deemed street-level wall signs.

D. Skywalk-Level Wall Signs

Skywalk-level signs must comply with the following:

- Maximum Width: contained within the horizontal limits of the business premises.
- Maximum Height: 2 feet.
- Maximum Area: 30 square feet or 0.5-square feet for each foot of business frontage on the skywalk to be faced by the sign, whichever is more restrictive.

Wall Signs in DD Subdistricts



E. Ground Signs

Ground signs must comply with the following:

1. Applicability: A building setback from the public right-of-way by more than 25 feet may be served by one ground sign; otherwise, a ground sign is not permitted.
2. Maximum Height: 16 feet.
3. Maximum Area: 60 square feet or one-half square foot for each front foot of the building.

F. Building Identification Signs

Building identification signs must comply with the following:

1. One trademark or building identification sign ~~identifying the principal occupant as determined by the building owner of a building~~ is ~~allowed~~ permitted for each building facade, with a maximum of four signs for the building.
2. The trademark or the letters comprising the occupant name must be affixed directly to the building facade.
3. The building facade underlying the trademark or name may not be painted or otherwise differentiated from the remainder of the building facade merely to draw attention to the sign.
4. The top of the sign may not project above the parapet, nor may the parapet be enlarged to accommodate a sign.
5. The sign may be illuminated, but may not be a flashing sign.
6. The maximum size of the sign cannot exceed the width of the wall on which the sign is attached multiplied by one foot for each 30 feet the top of the sign is located above street grade or 1,800 square feet,

whichever is less. For example, a sign whose top is 400 feet above street grade is proposed to be located on a wall that is 150 feet in width where the sign is to be located. The maximum size equals the lesser of $13 \times 150 = 1,950$ and 1,800. The maximum size is 1,800.

G. Marquee Signs

Marquee signs must comply with the following:

1. The sign must be accessory to a large-scale recreation and entertainment use, hotels or convention center.
2. The sign may not be attached to a roof structure and must be integrated architecturally into the primary structure.
3. The sign may contain copy or other images announcing on-premise events only.
4. The copy may be permitted to flash, move or otherwise change at intervals of more than one each six seconds.
5. The size and design of a marquee is subject to review and approval of the Director ~~of Buildings and Inspections~~ prior to issuance of a building permit.
6. A revocable street privilege is required for any marquee sign that extends into the public right-of-way.

H. Murals

Murals are regarded as a work of art and must demonstrate an artistic quality or theme as opposed to direct or indirect illustrative advertising. Murals must comply with the following:

1. Advertising copy and trademarks are prohibited.
2. One mural on one wall for every building.
3. Subdivision Real Estate or Construction Signs. Subdivision real estate and construction signs must comply with the following:

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- a. A maximum of one sign for every street frontage.
 - b. Total Surface Area: 64 square feet.
 - c. Temporary signs must be removed within 24 hours of the completion of the activity.
4. Temporary Message Sign (including banners). Temporary message signs must comply with the following:
 - a. Be made of cloth or other light fabric.
 - b. May not exceed 12 feet in any of its dimensions.
 - c. The message must pertain only to the business, commodity, service or entertainment conducted, sold or offered on the same premises as where the sign is maintained.
 - d. Temporary message signs may be installed for a period not to exceed 30 days for a maximum of four times for every calendar year with at least 7 days between installations.
 - e. Temporary message signs may not cover any building openings such as windows and doors.

1703-7.20. Additional Floor Area for Historic Conservation or Residential Development

A Conditional Use may be approved allowing additional floor area beyond that ~~allowed~~ permitted by Sec. 1703-7.4, for projects receiving a Historic Conservation Bonus or Residential Gross Floor Area Bonus. In no case may additional floor area be granted such that the maximum building heights prescribed by Sec. 1703-7.6, are exceeded.

A. Historic Conservation Bonus

1. Under the City's Historic Easement Program, the owner of a building that is listed on the National Register of Historic Places and is located in any

DD subdistrict may donate an easement in return for a Certificate of Transferable Bonus Gross Floor Area, provided the easement is accepted by the Historic Conservation Board. This one-time certificate is issued by the Urban Conservator, who has the duty to maintain a record of the issued certificate, including the owner, the gross floor area available for transfer and the gross floor area actually transferred.

2. All bonus gross floor area available under the easement may be transferred, provided the gross floor area does not exceed the maximum building heights prescribed by Sec. 1703-7.6. Certificates of Transferable Bonus Gross Floor Area may be transferred to and redeemed by anyone other than the original certificate holder.
3. Certificates to be redeemed must be tendered to the Urban Conservator prior to the issuance of permits for construction. On completion of construction, certificates are canceled and no certificate may be reissued, even if the building constructed pursuant to its redemption is demolished.

B. Residential Gross Floor Area Bonus

The residential gross floor area bonus equals the total interior floor area of a building that is exclusively devoted to residential purposes, provided the bonus gross floor area does not exceed 25% of the building gross floor area.

1703-7.21. Design Review of Publicly-Funded Parking Garages

Publicly-funded parking garages are subject to the following review:

A. Design Review Responsibility

1. On receipt of an application for a publicly-funded downtown parking garage, the City Manager, who has the duty to appoint the person or persons responsible for design review, may by contract retain a person

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prominent in the field of design of urban projects of scale similar to the proposed development to be responsible for design review.

2. The application must be available, as it may be revised, for public inspection. Those responsible for design review may meet periodically with the applicant in a public, informal conference to discuss the building design.

B. Design Review Determination

The person or persons responsible for design review has the duty to approve the proposed work if it conforms with the Comprehensive Plan or other applicable urban renewal plan, any otherwise applicable guidelines, laws, ordinances, regulations and variances granted for the work pursuant to Sec. 1751-2 and is in the public interest.

1. The work may be approved subject to conditions as necessary to ensure that the work is lawful, appropriate to its site and the surrounding area and in the public interest. Otherwise, the work must be disapproved.
2. If the work is disapproved the reasons therefore must be stated in writing as findings of fact and conclusions of law.
3. In determining whether the work is in the public interest, the decision-making authority has the duty to consider those factors listed in Sec. 1703-7.16 and Sec. 1751-4 that are relevant to the work and apply them in light of their professional training and experience. The failure of the proposed work to conform to any single factor or guideline is not necessarily a sufficient basis for denial. The decision-making authority has the duty to approve work that maximizes both the public interest and private benefits.

C. Appeals

Any adversely affected applicant may appeal a decision made pursuant to paragraph B above to the City Manager. The City Manager has the duty to conduct a public hearing on the appeal and affirm, modify or reverse the decision in conformity with the provisions of this Section. The decision of the City Manager is final, subject to appeal as provided by law.

Phased Developments

- D. ~~Where the owner of a lot or lots in the DD District intends to phase the development by first erecting one building and then enlarging that building or erecting one or more additional buildings or both, the owner must, prior to commencing development of the site, file a site master plan with the Zoning Hearing Examiner.~~
- E. ~~The site master plan must be a schematic of the intended development of the entire site showing the locations, uses, heights and gross floor areas of every building. The master plan must contain such other information as necessary to determine whether the intended development conforms to the requirements of this LDC.~~
- F. ~~If the development is required to devote gross floor area to residential dwellings of Sec. 1703-7.5, compliance with the residential dwelling requirement need not be demonstrated at every phase of the development, but only after completion of all phases of the development. Further, the applicant may be required to demonstrate that completion of all phases is a commercially reasonable exception.~~
- G. ~~The master plan may be amended from time to time, provided any amended master plan be filed with the Zoning Hearing Examiner. Compliance with the~~

~~DD District Regulations must be determined each time a permit for construction of a new building or enlargement of an existing building is made.~~

- H. ~~The site may be further subdivided and title to the various parcels held by different owners, provided that appropriate deed restrictions, covenants and easements be provided as determined to be necessary by the Zoning Hearing Examiner to ensure that the arrangement of building density and public amenities used to calculate allowable gross floor area are maintained for as long as any building erected on the site pursuant to this provision remains.~~

1703-7.22. Demolition

- A. Except in cases of public emergency, no permit for the demolition of any building in the DD District shall be issued unless an application for a building permit for work to replace the building to be demolished has been filed with the Director ~~of Buildings and Inspections~~. Provided, however, the applicant may instead post a bond with the Director ~~of Buildings and Inspections~~ to secure compliance with Sec. 1703-7.25-24.
- B. The bond shall be in the amount equal to \$10 per square foot of the area of the lot on which the building to be demolished is located.

1703-7.23. Maintenance of Vacant Lots

Every owner of any vacant lot within the DD District has the duty to keep the lot clean, free from garbage, litter, standing water, debris, parked motor vehicles other than those parked in a lawfully existing parking or loading facility and all things causing the property to be detrimental to the public health, safety, welfare or to the aesthetics of the DD District or properties in the vicinity.

1703-7.24. Landscaping

- A. Any lot within the DD District kept vacant for more than 180 days following the demolition of any buildings thereon shall be landscaped and thereafter maintained in good order. Landscaping shall be in accordance with a plan approved by the hearing examiner following the procedures and standards set forth in Sec. 1751-4.
- B. The landscaping shall be appropriate to an urban park or garden. The lot shall be fenced as appropriate for public safety and aesthetics. All plant material shown on the approved plan shall be watered, fertilized, pruned, kept free from weeds and litter and replaced if diseased, injured or dead, consistent with good horticultural practices. Such lots shall not be used for storage.